

**REMARKS**

Applicant has amended the specification to add the headings suggested by the USPTO Guidelines.

***Claim Objections***

Applicant respectfully requests Examiner Venne to reconsider and withdraw the objections to claims 1 and 6-9, in view of the above claim amendments which conform to the suggestions made by the Examiner. (Claim 8 has been canceled, but an amended form thereof has been added to the independent parent claim 1.)

***Claim Rejections - 35 U.S.C. § 112***

Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of claims 1-9 under 35 U.S.C. § 112, second paragraph, in view of the above claim amendments which address and correct each and every one of the Examiner's stated grounds in support of this rejection. (Again, claim 8 has been canceled and an amended form thereof added to independent parent claim 1.)

More specifically, claim 1 has also been amended so as to clarify that the transport track has several descending track sections, each descending track section having a slope that is sufficient to overcome the said rolling resistance of each vehicle, but insufficient to produce a continuous acceleration of said vehicles on the said at least one running rail, each vehicle having there a substantially constant speed, at which gravity is in balance with the said rolling resistance of each vehicle added to other resistances, including the air resistance to air of the vehicle. This responds to both points 6 and 8 of the Official Action and finds support in the originally filed claim 1.

The phrase “standard overall dimensions” of claim 7 has been removed so as to respond to point 7 of the Official Action.

The phrase “the above mentioned constant speed” of claim 5 has been amended to “said substantially constant speed of the vehicle on the descending track sections”, for which there is antecedent in claim 5. This responds to point 9 of the Official Action.

The phrase “in the idle position of the container” of claim 7 has been amended to “when the container is at rest”. This responds to point 10 of the Official Action and is also a more accurate translation of the original French phrase “en position de repos du conteneur”.

The phrase (in original claim 8) “means of balancing the speed of two successive vehicles, having the effect of maintaining the distance between the vehicles” has been amended (in amended claim 1) to “means for balancing the speed of two successive vehicles on said descending track sections, so as to maintain a distance between said two successive vehicles”. This responds to point 11 of the Official Action and is supported by the originally filed description (see page 11 lines 9-11 of the specification).

The phrase “the potential energies” of claim 10 has been amended to “potential energy”. This responds to point 12 of the Official Action.

The phrase “making use parsimoniously of” of claim 10 has been amended to “making parsimonious use of”. This responds to point 13 of the Official Action.

Claim 10 has also been amended so as to respond to point 14 of the Official Action.

### ***Claims Rejections - 35 U.S.C. § 102***

The rejection of claims 1-6 and 10 under 35 U.S.C. § 102(b) as being anticipated by Rose '699 has effectively been rendered **moot** in view of the above cancellation of claim 8 and the addition of an amended version thereof to the parent claim 1, thereby effectively leaving for

consideration only the rejection of claim 8 (and other dependent claims) under 35 U.S.C. § 103(a) as being unpatentable over Rose '699. In this regard, the Examiner **admits** that Rose does not disclose the claimed "means for balancing the speed of two successive vehicles".

However, in point 18 of the Official Action, the Examiner asserts that it would have been obvious to one of ordinary skill in the art to which the subject matter pertains to adjust booster sections and slope in the track of Rose to effect the continuous transport of successive multiple trolleys running on the rails as a "design choice" to create the invention as claimed by Applicant, and that the rationale would have been to predictably provide the expected results and desired effect of balancing trolley speed for maintaining a desired distance between successive trolleys running on the rails in a continuous fashion.

Applicant respectfully submits that this assertion of the Examiner is incorrect.

The speed at which each trolley travels on the descending track section is the speed at which gravity is balanced by the resistances acting on each trolley. Since some of those resistances are speed-dependent, the air resistance in particular being substantially proportional to the square of the speed, whereas gravity is dependent on the weight of the trolley, it is simply impossible to provide such effects only by adjusting booster sections and slope in the track of Rose: Successive trolleys of, for example, different weights will fail to maintain a distance and sooner or later bump against each other.

With respect to claim 9, the Examiner also asserts that Rose discloses at least one endless cable returned freely in a loop by pulleys along the transport track and clamps arranged on each vehicle to grip the cable and drive the vehicle during transport".

Applicant must respectfully disagree.

Rose discloses a chain, not a cable, which is returned in a loop by sprockets, not pulleys, and dogs, not clamps, arranged to engage with the chain, not grip it. Most relevantly, in Rose the chain is not returned freely between the sprockets but, instead, is driven by one of them. These structures are not equivalents but, rather, are specifically adapted to their purpose.

In Rose, the purpose of these structures is to drive the trolleys over the ascending booster sections. According to amended claim 1, this means balances the speed of successive trolleys on the descending sections to maintain a distance between them.

In summary, then, the rejection under 35 U.S.C. § 102(b) has been rendered moot.

Claim 1 has been amended to contain the slightly amended version of the canceled claim 8 which was rejected under 35 U.S.C. § 103(a) as being unpatentable (obvious) over Rose '699.

Applicant has explained above why this rejection should be reconsidered and withdrawn, Rose clearly does not teach, or even suggest, **all of the limitations** of the amended claim 1.

As for the Examiner's conclusory statements of obviousness, Applicant has explained above why only adjusting booster sections and slope in Rose's track would not prevent successive trolleys of, for example, different weights from sooner or later bumping into each other.

Claims 2-7, 9 and 10 should be allowable for the same reasons that their parent claim 1 is allowable, and dependent claim 9 has been specifically addressed above. The same is true for new dependent claim 11 (11/1) which is supported in Applicant's specification at least at page 3, lines 22-24.

***REQUEST FOR INTERVIEW***

If Examiner Venne feels that the application is not now in condition for allowance with claims 1-7 and 9-11, he is respectfully requested to **call the undersigned attorney** to discuss any unresolved issued and to expedite the disposition of the application.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this application, and any required fee for such extension is to be charged to Deposit Account No. 19-4880. The Commissioner is also authorized to charge any additional fees under 37 C.F.R. § 1.16 and/or § 1.17 necessary to keep this application pending in the Patent and Trademark Office or credit any overpayment to said Deposit Account No. 19-4880.

Respectfully submitted,

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